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F I L E D
Clerk
District Court

DEC 22 2006

For The Northern Mariana Islands
By _____
(Deputy Clerk)

6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

9
10 In re ORDER TO SHOW CAUSE
11 LI YING HUA, ET AL.,
12 Plaintiffs,
13 vs.
14 JUNG JIN CORPORATION, ET AL.,
15 Defendants.

) CASE NO. CV 05-00019

DECLARATION OF COUNSEL IN
SUPPORT OF MOTION FOR
CONTINUANCE AND FOR SHORTENED
TIME ON MOTION FOR
CONTINUANCE

Time:

Date:

Judge: Munson

18 I, Richard W. Pierce, declare as follows:

19 1. Pil Sun Kim Kitami is a long time client in relation to my practice of law in the
20 Commonwealth of the Northern Mariana Islands.

21 2. The attorney for the Plaintiffs know that I represent Ms. Kitami in relation to their
22 secured interest in the properties described at paragraph one (1), subscctions a, c, and d of the
23 Court's December 7, 2006, Order in this proceeding. The counsel knows because I provided him
24 documentation on the secured interests of Mrs. Kitami in the *res*, and I attended a deposition of
25 Ms. Kitami taken by Plaintiffs' counsel.

27 3. I am in the continental United States for the holidays. I gave adequate notice to
28 CNMI-based attorneys under CNMI law of my intended off-island status.

1 4. Ms. Kitami has a promissory note of \$300,000.00 (approximately) from the
2 individual defendants in this civil action and a properly secured interest in the property referenced
3 in paragraph 2, above. I prepared the instruments of debt and the security.

4 5. When I learned about the December 27, 2006, hearing on this Court's order to show
5 cause, I called Plaintiffs' counsel and told him of my circumstances. He offered to change the
6 December 27, 2006 hearing date until January 10, 2006, but I needed January 17, 2006, in order to
7 prepare. I return to the CNMI on January 3, 2006, and I will have matters which require attention
8 other than this case. One week is not sufficient time to research this matter and attend to other
9 clients.
10

11 6. The timing of the seizure of the *res* in this case has not been a product of Mrs.
12 Kitami. As her counsel, I had no notice of the motion for the order in aid of judgment, or of this
13 Court's order, until on or about December 19, 2006. Any emergency is a product of the Plaintiffs'
14 making.
15

16 7. On information and belief, Mrs. Kitami has paid the rent to the fee simple holder of
17 Lot 056 H 14 for about the last six months in order to prcsrve her mortgage interest.

18 8. As the counsel for Mrs. Kitami on this matter, I am in no position to represent her
19 adequately by the date of December 27, 2006, or January 10, 2007. If the Court does not grant the
20 continuance as requested until January 17, 2007, at least the Court should grant a continuance for
21 her to obtain other counsel.

23 I declare under penalty of perjury under the laws of the United States of America that the
24 foregoing is true and correct.

25 Dated: December 21, 2006, in Wintergreen, Virginia, USA.

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Richard W. Pierce /s/

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